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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,301	09/24/2003	Tomohiro Azami	25724	3824
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THE NATH LAW GROUP 112 South West Street Alexandria, VA 22314			EXAMINER SWEARINGEN, JEFFREY R	
			ART UNIT 2445	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,301

Applicant(s)

AZAMI, TOMOHIRO

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/6/2008 have been fully considered but they are not persuasive.
2. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.
3. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
4. It is apparent from the remarks submitted by Applicant and the reworded claims that Applicant's invention as currently claimed and explained is a data tree structure. Each leaf in the tree, or node, has information about how other nodes correspond to the particular leaf, or *position information* as claimed. See Figure 7 of Shadmon, for example.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 29-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Shadmon et al. (US 6,804,677).
7. In regard to claim 29, Shadmon disclosed:
A structured data receiving method of receiving a plurality of fragment data constituting a structured data having a tree structure and a plurality of fragment data configuration information, created

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one for each fragment data, to concatenate said plurality of fragment data at a receiving side to generate the structured data stored, [column 22, lines 15-30]

Each piece of fragment data configuration information including reference information and position information, wherein the reference information has location information on a location of corresponding fragment data, and the position information is information on a connection position of the corresponding fragment data in the structured data, [column 19, lines 20-41]

Said structured data receiving method comprising the steps of:

Specifying the location of the corresponding fragment data based on the reference information included in each piece of fragment data configuration information: [column 20, lines 12-23]

Receiving fragment data from the specified location; and [column 19, lines 59-63]

Concatenating the received fragment data to generate the structured data, based on the position information included in each piece of fragment data. configuration information, [column 19, line 64 – column 20, line 7] wherein said structured data includes at least one node, each having at least one node located one level lower and at least one node each having no lower node, a position order of the at least one lower-node being determined, and Figure 7 shows a tree

Wherein said position information includes information specifying a node in the structured data and information specifying a connection position of the corresponding fragment data in relation to the specified node, and [column 20, lines 8-23]

Wherein said information specifying the connection position of the corresponding fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Wherein, if said information specifying the connection position of the corresponding fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the corresponding fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the corresponding fragment data is the information specifying the last position at the level one level lower than the specified node, then

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connecting the highest node of the corresponding fragment data to a position after a last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

8. In regard to claim 30, Shadmon disclosed:

A structured data receiving method of receiving a plurality of fragment data constituting a structured data having a tree structure and a plurality of fragment data configuration information, created one for each fragment data, to concatenate said plurality of fragment data at a receiving side to generate the structured data stored, [column 22, lines 15-30]

Each piece of fragment data configuration information including reference information and position information on a connection position of the corresponding fragment data in the structured data, the reference information having location information on a location of corresponding fragment data and information on a name of the highest node of the corresponding fragment data, [column 19, lines 20-41]

Said structured data receiving method comprising the steps of:

Specifying the location of the corresponding fragment data based on the location information included in the reference information included in each piece of fragment data configuration information: [column 20, lines 12-23]

Receiving fragment data from the specified location; [column 19, lines 59-63]

Processing said position information included in each piece of fragment data configuration information according to the information on the name of the highest node included in the reference information included in each piece of fragment data configuration; and [column 20, lines 29-55]

Concatenating the received fragment data to generate the structured data, based on the processed position information, [column 20, lines 29-55]

wherein said structured data includes at least one node, each having at least one node located one level lower and at least one node each having no lower node, a position order of the at least one lower-node being determined, and Figure 7 shows a tree

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Wherein said position information includes information specifying a node in the structured data and information specifying a connection position of the corresponding fragment data in relation to the specified node, and [column 20, lines 29-55]

Wherein said information specifying the connection position of the corresponding fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Wherein, if said information specifying the connection position of the corresponding fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the corresponding fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the corresponding fragment data is the information specifying the last position at the level one level lower than the specified node, then connecting the highest node of the corresponding fragment data to a position after a last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

9. In regard to claim 31, Shadmon disclosed:

A structured data receiving method of receiving a plurality of fragment data constituting a structured data having a tree structure and a plurality of fragment data configuration information, created one for each fragment data, to concatenate said plurality of fragment data at a receiving side to generate the structured data stored, [column 22, lines 15-30]

Each piece of fragment data configuration information including reference information and position information on a connection position of the corresponding fragment data in the structured data, the reference information having location information on a location of corresponding fragment data and information on a name of the highest node of the corresponding fragment data, [column 19, lines 20-41]

Said structured data receiving method comprising the steps of:

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Specifying the location of the corresponding fragment data based on the location information included in the reference information included in each piece of fragment data configuration information:
[column 20, lines 12-23]

Receiving from the specified location, fragment data determined to be concatenated based on the information on the content included in the reference information included in each piece of fragment data configuration information; and; [column 19, lines 59-63]

Concatenating the received fragment data to generate the structured data, based on the position information included in each piece of fragment data configuration information, [column 20, lines 29-55]

Wherein said structured data includes at least one node located one level lower and at least one node each having no lower node, a position order of the at least one lower-node being determined, and
Figure 7 shows a tree

Wherein said position information includes information specifying a node in the structured data and information specifying a connection position of the corresponding fragment data in relation to the specified node, and[column 20, lines 29-55]

Wherein said information specifying the connection position of the corresponding fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Wherein, if said information specifying the connection position of the corresponding fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the corresponding fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the corresponding fragment data is the information specifying the last position at the level one level lower than the specified node, then connecting the highest node of the corresponding fragment data to a position after a last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest

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node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

10. In regard to claim 32, Shadmon disclosed:

A structured data receiving method of receiving a plurality of fragment data constituting a structured data having a tree structure and a plurality of fragment data configuration information, created one for each fragment data, to concatenate said plurality of fragment data at a receiving side to generate the structured data stored, [column 22, lines 15-30]

Each piece of fragment data configuration information including reference information and position information on a connection position of the corresponding fragment data in the structured data, the reference information having location information on a location of corresponding fragment data, information on a name of the highest node of the corresponding fragment data, and information on a content of the corresponding fragment data, [column 19, lines 20-41]

Said structured data receiving method comprising the steps of:

Specifying the location of the corresponding fragment data based on the location information included in the reference information included in each piece of fragment data configuration information; [column 20, lines 12-23]

Receiving from the specified location, fragment data determined to be concatenated based on the information on the content included in the reference information included in each piece of fragment data configuration information; [column 19, lines 59-63]

Processing the position information included in each piece of fragment data configuration information according to the information on the name of the highest node included in the reference information included in each piece of fragment data configuration information; [column 20, lines 29-55]

Concatenating the received fragment data to generate the structured data, based on the processed position information, [column 20, lines 29-55]

Wherein said structured data includes at least one node located one level lower and at least one node each having no lower node, a position order of the at least one lower-node being determined, and Figure 7 shows a tree

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Wherein said position information includes information specifying a node in the structured data and information specifying a connection position of the corresponding fragment data in relation to the specified node, and [column 20, lines 29-55]

Wherein said information specifying the connection position of the corresponding fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Wherein, if said information specifying the connection position of the corresponding fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the corresponding fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the corresponding fragment data is the information specifying the last position at the level one level lower than the specified node, then connecting the highest node of the corresponding fragment data to a position after a last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

11. In regard to claim 33, Shadmon disclosed:

A structured data receiving method of receiving a plurality of first fragment data, a plurality of fragment data configuration information each corresponding to each first fragment data and which are information for generating a structured data having a tree structure by concatenating said plurality of first fragment data at a receiving side, and a fragment data update data including a second fragment data and concatenation information for concatenating the second fragment data and the structured data, [column 22, lines 15-30]

Each piece of fragment data configuration information including reference information, first position information on a connection position of the corresponding first fragment data in the structured data, and first concatenation processing information for specifying an 'add' as a processing way for

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concatenating the corresponding first fragment data and the structured data at the receiving side, wherein the reference information has location information on a location of corresponding first fragment data, [column 19, lines 20-41]

The concatenation information included in the fragment data update data including a second position information on a connection position of the corresponding second fragment data in the structured data and second concatenation processing information for specifying an 'add' as a processing way for concatenating the corresponding second fragment data and the structured data at the receiving side, [column 20, lines 38-55]

Wherein said structured data includes at least one node located one level lower and at least one node each having no lower node, a position order of the at least one lower-node being determined, and Figure 7 shows a tree

Wherein said first position information included in the fragment data configuration information includes information specifying a node in the structured data and information specifying a connection position of the corresponding first fragment data in relation to the specified node, and [column 20, lines 38-55]

Wherein said information specifying the connection position of the corresponding first fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Wherein, if said information specifying the connection position of the corresponding fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the corresponding fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the corresponding fragment data is the information specifying the last position at the level one level lower than the specified node, then connecting the highest node of the corresponding fragment data to a position after a last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest

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node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

Wherein said second position information included in the fragment data configuration information includes information specifying a node in the structured data and information specifying a connection position of the corresponding second fragment data in relation to the specified node, and [column 20, lines 38-55]

Wherein said information specifying the connection position of the corresponding second fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Said structured data receiving method comprising the steps of:

Receiving the fragment data configuration information and the fragment update data; [column 19, lines 59-63]

Specifying the location of the corresponding fragment data based on the reference information included in each piece of fragment data configuration information, [column 20, lines 12-23]

Receiving the first fragment data from the specified location; and [column 20, lines 29-55]

Adding the received first fragment data to the connection position based on the first position information and the first concatenation processing information included in each piece of fragment data configuration information and adding the second fragment data included in the received fragment data update data to the connection position based on said second position information and the second concatenation processing information included in the received fragment data update data to generate the structured data. [column 20, lines 29-55]

Wherein, if said information specifying the connection position of the received first fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the received first fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the received first fragment data is the information specifying the last position at the level one level lower than the specified node, then

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connecting the highest node of the received first fragment data to a position after a last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

if said information specifying the connection position of the second fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the second fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the second fragment data is the information specifying the last position at the level one level lower than the specified node, then connecting the highest node of the second fragment data to the position after the last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

12. In regard to claim 34, Shadmon disclosed:

A structured data receiving method of receiving a plurality of first fragment data, a plurality of fragment data configuration information each corresponding to each first fragment data and which are information for generating a structured data having a tree structure by concatenating said plurality of first fragment data at a receiving side, and a fragment data update data including a second fragment data and concatenation information for concatenating the second fragment data and the structured data, [column 22, lines 15-30]

Each piece of fragment data configuration information including reference information, first position information on a connection position of the corresponding first fragment data in the structured data, and first concatenation processing information for specifying an 'add' as a processing way for concatenating the corresponding first fragment data and the structured data at the receiving side, the

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reference information having location information on a location of corresponding first fragment data and information on a name of a highest node of the corresponding first fragment data,, [column 20, lines 38-55]

The concatenation information included in the fragment data update data including a second position information on a connection position of the corresponding second fragment data in the structured data and second concatenation processing information for specifying an 'add' as a processing way for concatenating the corresponding second fragment data and the structured data at the receiving side, [column 20, lines 38-55]

Wherein said structured data includes at least one node located one level lower and at least one node each having no lower node, a position order of the at least one lower-node being determined, and Figure 7 shows a tree

Wherein said first position information included in the fragment data configuration information includes information specifying a node in the structured data and information specifying a connection position of the corresponding first fragment data in relation to the specified node, and [column 20, lines 38-55]

Wherein said information specifying the connection position of the corresponding first fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Wherein said second position information included in the fragment data configuration information includes information specifying a node in the structured data and information specifying a connection position of the corresponding second fragment data in relation to the specified node, and [column 20, lines 38-55]

Wherein said information specifying the connection position of the corresponding second fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Said structured data receiving method comprising the steps of:

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Receiving the fragment data configuration information and the fragment update data; [column 19, lines 59-63]

Specifying the location of the corresponding fragment data based on the reference information included in each piece of fragment data configuration information, [column 20, lines 12-23]

Receiving the first fragment data from the specified location; [column 19, lines 59-63]

Processing said first position information included in each piece of fragment data configuration information according to the information on the name of the highest node included in the reference information included in each piece of fragment data configuration information; and [column 20, lines 29-55]

Adding the received first fragment data to the connection position based on the first position information and the first concatenation processing information included in each piece of fragment data configuration information and adding the second fragment data included in the received fragment data update data to the connection position based on said second position information and the second concatenation processing information included in the received fragment data update data to generate the structured data. [column 20, lines 29-55] Wherein, if said information specifying the connection position of the received first fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the received first fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the received first fragment data is the information specifying the last position at the level one level lower than the specified node, then connecting the highest node of the received first fragment data to a position after a last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

if said information specifying the connection position of the second fragment data is the information specifying the position immediately before the specified node, then connecting a highest node

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of the second fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the second fragment data is the information specifying the last position at the level one level lower than the specified node, then connecting the highest node of the second fragment data to the position after the last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

13. In regard to claim 35, Shadmon disclosed:

A structured data receiving method of receiving a plurality of first fragment data, a plurality of fragment data configuration information each corresponding to each first fragment data and which are information for generating a structured data having a tree structure by concatenating said plurality of first fragment data at a receiving side, and a fragment data update data including a second fragment data and concatenation information for concatenating the second fragment data and the structured data, [column 22, lines 15-30]

Each piece of fragment data configuration information including reference information, first position information on a connection position of the corresponding first fragment data in the structured data, and first concatenation processing information for specifying an 'add' as a processing way for concatenating the corresponding first fragment data and the structured data at the receiving side, the reference information having location information on a location of corresponding first fragment data and information on a name of a highest node of the corresponding first fragment data, [column 20, lines 38-55]

The concatenation information included in the fragment data update data including a second position information on a connection position of the corresponding second fragment data in the structured data and second concatenation processing information for specifying an 'add' as a processing way for

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concatenating the corresponding second fragment data and the structured data at the receiving side,
[column 20, lines 38-55]

Wherein said structured data includes at least one node located one level lower and at least one node each having no lower node, a position order of the at least one lower-node being determined, and
Figure 7 shows a tree

Wherein said first position information included in the fragment data configuration information includes information specifying a node in the structured data and information specifying a connection position of the corresponding first fragment data in relation to the specified node, and [column 20, lines 38-55]

Wherein said information specifying the connection position of the corresponding first fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Wherein said second position information included in the fragment data configuration information includes information specifying a node in the structured data and information specifying a connection position of the corresponding second fragment data in relation to the specified node, and [column 20, lines 38-55]

Wherein said information specifying the connection position of the corresponding second fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Said structured data receiving method comprising the steps of:

Receiving the fragment data configuration information and the fragment update data; [column 19, lines 59-63]

Specifying the location of the corresponding fragment data based on the reference information included in each piece of fragment data configuration information, [column 20, lines 12-23]

Receiving from the specified location, the first fragment data determined to be concatenated based on the information on the content included in the reference information included in each piece of fragment data configuration information; and[column 19, lines 59-63]

Adding the received first fragment data to the connection position based on the first position information and the first concatenation processing information included in each piece of fragment data configuration information and adding the second fragment data included in the received fragment data update data to the connection position based on said second position information and the second concatenation processing information included in the received fragment data update data to generate the structured data. [column 20, lines 29-55]

Wherein, if said information specifying the connection position of the received first fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the received first fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the received first fragment data is the information specifying the last position at the level one level lower than the specified node, then connecting the highest node of the received first fragment data to a position after a last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

if said information specifying the connection position of the second fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the second fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the second fragment data is the information specifying the last position at the level one level lower than the specified node, then connecting the highest node of the second fragment data to the position after the last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest

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node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

14. In regard to claim 36, Shadmon disclosed:

A structured data receiving method of receiving a plurality of first fragment data, a plurality of fragment data configuration information each corresponding to each first fragment data and which are information for generating a structured data having a tree structure by concatenating said plurality of first fragment data at a receiving side, and a fragment data update data including a second fragment data and concatenation information for concatenating the second fragment data and the structured data, [column 22, lines 15-30]

Each piece of fragment data configuration information including reference information, first position information on a connection position of the corresponding first fragment data in the structured data, and first concatenation processing information for specifying an 'add' as a processing way for concatenating the corresponding first fragment data and the structured data at the receiving side, the reference information having location information on a location of corresponding first fragment data, information on a name of a highest node of the corresponding first fragment data, and information on a content of the corresponding fragment data, [column 20, lines 38-55]

The concatenation information included in the fragment data update data including a second position information on a connection position of the corresponding second fragment data in the structured data and second concatenation processing information for specifying an 'add' as a processing way for concatenating the corresponding second fragment data and the structured data at the receiving side, [column 20, lines 38-55]

Wherein said structured data includes at least one node located one level lower and at least one node each having no lower node, a position order of the at least one lower-node being determined, and Figure 7 shows a tree

Wherein said first position information included in the fragment data configuration information includes information specifying a node in the structured data and information specifying a connection

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position of the corresponding first fragment data in relation to the specified node, and [column 20, lines 38-55]

Wherein said information specifying the connection position of the corresponding first fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Wherein said second position information included in the fragment data configuration information includes information specifying a node in the structured data and information specifying a connection position of the corresponding second fragment data in relation to the specified node, and [column 20, lines 38-55]

Wherein said information specifying the connection position of the corresponding second fragment data is information specifying a position immediately before the specified node or information specifying a last position at a level one level lower than the specified node, [column 20, lines 29-55]

Said structured data receiving method comprising the steps of:

Receiving the fragment data configuration information and the fragment update data; [column 19, lines 59-63]

Specifying the location of the corresponding fragment data based on the reference information included in each piece of fragment data configuration information, [column 20, lines 12-23]

Receiving from the specified location, the first fragment data determined to be concatenated based on the information on the content included in the reference information included in each piece of fragment data configuration information; [column 19, lines 59-63]

Processing said first position information included in each piece of fragment data configuration information according to the information on the name of the highest node included in the reference information included in each piece of fragment data configuration information; and [column 20, lines 29-55]

Adding the received first fragment data to the connection position based on the first position information and the first concatenation processing information included in each piece of fragment data configuration information and adding the second fragment data included in the received fragment data update data to the connection position based on said second position information and the second

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concatenation processing information included in the received fragment data update data to generate the structured data. [column 20, lines 29-55]

Wherein, if said information specifying the connection position of the received first fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the received first fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the received first fragment data is the information specifying the last position at the level one level lower than the specified node, then connecting the highest node of the received first fragment data to a position after a last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

if said information specifying the connection position of the second fragment data is the information specifying the position immediately before the specified node, then connecting a highest node of the second fragment data to a position immediately before the specified node at the same level as the specified node; and [column 20, lines 29-55]

If said information specifying the connection position of the second fragment data is the information specifying the last position at the level one level lower than the specified node, then connecting the highest node of the second fragment data to the position after the last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest node as a first lower-node of the specified node when the specified node has no lower node. [column 20, lines 29-55]

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
16. Birsan et al. US 6,848,078

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17. Newman et al. US 6,944,818

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Donaghue can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner
Art Unit 2445

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